



## Senate

General Assembly

**File No. 392**

February Session, 2004

Substitute Senate Bill No. 129

*Senate, April 1, 2004*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### **AN ACT CONCERNING REGIONAL PROBATE COURT SERVICES FOR CHILDREN'S MATTERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective from passage*) (a) For the purposes of this  
2       section, "children's matters" means guardianship matters under  
3       sections 45a-603 to 45a-625, inclusive, of the general statutes,  
4       termination of parental rights matters under sections 45a-706 to 45a-  
5       719, inclusive, of the general statutes, adoption matters under sections  
6       45a-724 to 45a-733, inclusive, 45a-736 and 45a-737 of the general  
7       statutes, claims for paternity under section 46b-172a of the general  
8       statutes, emancipation matters under sections 46b-150 to 46b-150e,  
9       inclusive, of the general statutes and voluntary admission matters  
10      under section 17a-11 of the general statutes, as amended.

11      (b) The Probate Court Administrator shall, within available  
12      resources, establish a regional children's court pilot program in a single  
13      region that shall consist of the probate districts of New Haven,

14 Branford, East Haven, Hamden, Milford, North Branford, North  
15 Haven, Orange, West Haven and Woodbridge. In establishing such  
16 pilot program, the Probate Court Administrator shall consult with the  
17 probate judges of such districts, each of whom may participate in such  
18 pilot program on a voluntary basis. Within the region designated  
19 under this subsection, the Probate Court Administrator may establish a  
20 regional children's court in (1) any existing probate court facility  
21 within a district located in the region, or (2) a separate facility located  
22 in the region as may be designated by the Probate Court  
23 Administrator. The regional children's court shall be established and  
24 operated with the advice of the participating probate judges of such  
25 districts and the administrative judge appointed under subsection (d)  
26 of this section. Such participating probate judges and administrative  
27 judge shall serve as the judges of the regional children's court, except  
28 as provided in subdivision (1) of subsection (d) of this section. Such  
29 judges shall hear and determine all children's matters as may come  
30 before them on a docket separate from other probate matters.

31 (c) The Probate Court Administrator may, subject to the provisions  
32 of section 45a-84 of the general statutes, expend moneys from the  
33 Probate Court Administration Fund established under section 45a-82  
34 of the general statutes, as amended, to pay for necessary  
35 improvements of a facility designated as the regional children's court  
36 under subsection (b) of this section, to pay operating expenses of the  
37 regional children's court and to reimburse participating towns or cities  
38 for any costs of leasing office space for the regional children's court,  
39 and any necessary improvements thereto, and for expenses under  
40 subsection (d) of this section.

41 (d) (1) The Probate Court Administrator, with the advice of the  
42 participating probate judges of the districts set forth in subsection (b)  
43 of this section, shall appoint an administrative judge for the regional  
44 children's court. The administrative judge shall be a probate judge at  
45 the time of such appointment. If the administrative judge ceases to  
46 serve as a probate judge after such appointment, the administrative  
47 judge may continue to serve as administrative judge at the pleasure of

48 the Probate Court Administrator, but shall not have the powers  
49 granted to an elected probate judge and shall not hear and determine  
50 children's matters before the regional children's court. Subject to the  
51 approval of the Chief Court Administrator, the Probate Court  
52 Administrator shall fix the compensation of the administrative judge  
53 and such compensation shall be paid from the fund established under  
54 section 45a-82 of the general statutes, as amended. Such compensation,  
55 together with the administrative judge's compensation as a probate  
56 judge of the district to which he or she was elected, shall not exceed  
57 the compensation provided under subsection (k) of section 45a-92 of  
58 the general statutes. The administrative judge shall have such benefits  
59 as may inure to him or her as a probate judge and shall receive no  
60 additional benefits, except for compensation provided under this  
61 section.

62 (2) The administrative judge shall be responsible for the  
63 management of cases, coordination of social services, staff, financial  
64 management and record keeping for the regional children's court. The  
65 administrative judge may, with the approval of the Probate Court  
66 Administrator, purchase furniture, office supplies, computers and  
67 other equipment and contract for services that the administrative judge  
68 may deem necessary or advisable for the expeditious conduct of the  
69 business of the regional children's court. Such expenses shall be paid  
70 for pursuant to section 45a-8 of the general statutes, as amended. If a  
71 separate facility for the regional children's court is established  
72 pursuant to subdivision (2) of subsection (b) of this section, the  
73 participating town or city shall be reimbursed for such expenses from  
74 the Probate Court Administration Fund upon presentation of vouchers  
75 to the Probate Court Administrator.

76 (e) The administrative judge for the regional children's court may,  
77 with the approval of the Probate Court Administrator, employ such  
78 persons as may be required for the efficient operation of the regional  
79 children's court. Such employees shall be employees of the regional  
80 children's court and shall be entitled to the benefits of probate court  
81 employees under chapter 801 of the general statutes. Such employees

82 shall not be deemed to be state employees.

83 (f) (1) Except as provided in subdivision (2) of this subsection: (A)  
84 Any probate court within the region designated under subsection (b)  
85 of this section may transfer children's matters to the regional children's  
86 court; and (B) the regional children's court may accept transfers and  
87 referrals of children's matters from probate courts within the region.

88 (2) No new children's matters shall be transferred or referred to or  
89 filed with the regional children's court on or after July 1, 2007. Nothing  
90 in this subdivision shall be construed to affect the power of the judges  
91 of the regional children's court to hear and decide, or exercise  
92 continuing jurisdiction over, children's matters brought before the  
93 regional children's court prior to said date.

94 (g) The regional children's court shall be considered a probate court  
95 for the purposes of chapter 801 of the general statutes.

96 (h) The Probate Court Administrator shall establish policies and  
97 procedures to implement the pilot program established under this  
98 section. On or before January 3, 2007, the Probate Court Administrator  
99 shall submit a report concerning the operation and effectiveness of  
100 such pilot program, including any recommendations for the  
101 continuation and expansion of such pilot program, to the joint  
102 standing committee of the General Assembly having cognizance of  
103 matters relating to the judiciary, in accordance with section 11-4a of the  
104 general statutes.

105 (i) Nothing in this section shall be construed to limit the authority of  
106 the Probate Court Administrator to establish and fund one or more  
107 pilot programs for regional children's courts under any other provision  
108 of law.

This act shall take effect as follows:	
Section 1	<i>from passage</i>

**JUD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Probate Court	PCAF - Cost	\$100,000	\$100,000
Judicial Dept.; Children & Families, Dept.	GF - None	None	None

Note: PCAF=Probate Court Administration Fund; GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill creates a regional pilot probate court for children's matters in the New Haven region. The bill directs the Probate Court Administrator to utilize available resources, including the Probate Court Administration Fund (PCAF), to support the program.<sup>1</sup> While passage of the bill would not result in any impact on the General Fund, it is anticipated that approximately \$100,000 from the PCAF would be used for the operation of the pilot.

<sup>1</sup> The PCAF is a non-general fund account. Each probate judge contributes a percentage of the probate district's annual income to the fund. The FY 03 fund balance was about \$30 million.

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**OLR Bill Analysis**

sSB 129

***AN ACT CONCERNING REGIONAL PROBATE COURT SERVICES  
FOR CHILDREN'S MATTERS*****SUMMARY:**

This bill creates a regional pilot probate court for children's matters. These involve guardianship, termination of parental rights, adoption, paternity, emancipation, and voluntary commitment of mentally ill children to the Department of Children and Families. The probate court administrator must use available resources, including the Probate Court Administration Fund (PCAF), to establish and fund the program in the New Haven area. He must appoint a regional administrative judge, locate an appropriate facility, and establish policies and procedures. He must submit a report to the Judiciary Committee by January 3, 2007 containing recommendations for expanding the program.

The administrative judge and other participating judges will hear children's matters on a separate docket. Each probate judge whose district is located in the region can choose or decline to participate in the program.

EFFECTIVE DATE: Upon passage

**PROBATE COURT ADMINISTRATOR'S DUTIES**

Under the bill, the probate court administrator must consult with the probate judges of the 10 districts within the region (New Haven, Branford, East Haven, Hamden, Milford, North Branford, North Haven, Orange, West Haven, and Woodbridge) before establishing the pilot program. He may locate the children's court in any existing probate court facility in the region or at some other location within its boundaries. He must appoint a sitting probate judge as administrative judge for the region, with the advice of the other participating judges.

He may use money in the PCAF to pay for (1) necessary facility improvements; (2) operating expenses; (3) leasing and improving office

space owned by participating cities and towns; and (4) subject to the chief court administrator's approval, compensating the program's administrative judge for his administrative responsibilities.

If the probate court administrator establishes a separate facility for the court, the town or city where it is located can submit expense vouchers which he must reimburse from the PCAF. If the children's court is established in an existing probate facility, the city or town must provide adequate facilities, equipment, and services as under existing law.

The bill indicates that it should not be construed to limit the probate court administrator's authority to establish and fund regional children's court pilot programs under any other law.

### **REGIONAL CHILDREN'S COURT ADMINISTRATIVE JUDGE**

The administrative judge must be a sitting probate judge at the time of his appointment, but may continue to serve at the pleasure of the probate court administrator after his elected term expires. But he cannot act as a probate court judge after his term expires and does not accrue any additional benefits thereafter. He is entitled to compensation and benefits as long as he remains a probate judge and may receive additional pay so long as his total compensation does not exceed the statutory maximum for probate judges.

#### ***Duties***

The administrative judge must manage children's court cases and coordinate social services, staff, financial management, and recordkeeping. He is authorized to accept children's matters transferred from any probate court within the region before July 1, 2007.

With the probate court administrator's approval, he can hire staff; buy furniture, office supplies, computers, and other equipment; and contract for services necessary or advisable to expeditiously carry out the court's business.

Staff are not state employees but are entitled to the same benefits as other probate court employees receive by law.



**BACKGROUND*****Related Bill***

Substitute SB 230, favorably reported by the Judiciary Committee on March 22, eliminates a provision in current law requiring transferred children's matters to be heard in the probate court where the matter was initiated unless all parties agree otherwise.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 38      Nay 0